

## REMARKS

The last Office Action has been carefully considered.

It is noted that Claims 1, 3-5, 8, 12-14, 16-21 are rejected under 35 U.S.C. 103(a) over the U.S. patent to Frees in view of the U.S. patent to Schneider.

Claims 36-37 are rejected as above, and further in view of the U.S. patent to Weigelt.

Claim 15 is rejected under 35 U.S.C. 103(a) over the U.S. patent to Frees in view of the U.S. patents to Schneider and Curkendall.

Claims 7, 9-11, 22-25 under rejected under 35 U.S.C. 103(a) over the U.S. patent to Frees in view of the patents to Schneider and Rothkopf.

After carefully considering the Examiner's grounds for rejection of the claims over the art, applicant amended Claims 1 and 18, the broadest claims on file, so as to more clearly define the present invention and to distinguish it from the prior art.

It is respectfully submitted that the independent claims currently on file clearly and patentably distinguish the present invention from the prior art applied by the Examiner.

Before the analysis of the prior art it is believed to be advisable to explain to the Examiner the new features of the present invention as now defined in the claims.

The invention disclosed in the present application comprises two important concepts. The first one is directed to the philosophy of procuring information, illustrated in Figures 1, 2 and described in the corresponding specification, in particular:

- a first group of users 4, 6 generate questions and forward them to a data transmission network 2,
- a second group of users (the service provider) are able to recognize such questions which they can reply,
- for creating the answer the service provider works together with sub-providers,
- the service provider create answer data sets (required information 9) which contain extending or background information which not have been required, but which would be useful for an efficient processing and/or management chain in an agricultural content.

The second concept of the invention disclosed in the present application concerns directly the process of producing agricultural products, a preferred example of which is shown in Figure 4 and disclosed in the corresponding description. The owner of a machine part (a lender or the farmer himself/the contractor) wants the following:

- to optimize the employment of his machines (availability, reducing standstill, full capacity use), and
- if the machine is in operation to optimize the cooperation/teamwork process between the machines among themselves or between the machines and processing “plants/facilities” (drying plant, storage operator, further processing) of a processing chain, and
- to optimize the efficiency of the machines involved in the processing chain by means of adjusting the process elements of the machines.

The above-mentioned new features of the present invention are now defined in the independent claims currently on file.

Turning now to the references applied by the Examiner against the original claims, and in particular to the patent the Frees, it can be seen that this reference disclosed a computer network for an interactive collaboration between users in such a manner, that the system collects information from users and facilities a collaboratively derived decision based on the collected information, as explained for example in Claim 1. The dependent claims are directed to features

which improve the process for creating the “team decision” or the collaboratively derived decision. This means that no agricultural aspects are disclosed.

The patent to Schneider discloses a farm management tool which works as a “profit maximizer.” This reference describes a farm management tool for optimizing the process chain and/or the management chain for producing agricultural products in a general meaning. However, the described specific features are directed to mathematical methods for calculating an increased profit. The patent to Schneider discloses neither specific nor general technical features corresponding to the invention disclosed in the present application and defined in the amended claims.

It is believed to be clear that the references do not disclose the new features of the present invention. The references do not contain also any hint or suggestion that a person of ordinary skill in the art would have combined them at the time the present invention was made. Even if for some unknown and highly improbable reasons the references were combined, the produced combination would not lead to the applicant’s invention. In order to arrive at applicant’s invention from the combination of the references, the references have to be fundamentally modified by including into them the new features of the present invention which are now defined in the independent claims. However, it is known

that in order to arrive at a claimed invention, by modifying the references the cited art must itself contain a suggestion for such a modification.

This principle has been consistently upheld by the U.S. Court of Customs and Patent Appeals which, for example, held in its decision *In Re Randol and Redford* (165 USPQ 586) that:

Prior patents are references only for what they clearly disclose or suggest, it is not a proper use of a patent as a reference to modify its structure to one which prior art references do not suggest.

As for the other references, they also do not teach the new features of the present invention as defined in the independent claims currently on file, and therefore combining the features of the other references with the features of the above discussed references would not lead to the applicant's invention as well.


In view of the above presented remarks and amendments it is respectfully submitted that the independent claims currently on file should be considered as patentably distinguishing over the art and should be allowed.

As for the dependent claims, these claims depend on the independent claims, they share their presumably allowable features, and therefore they should be allowed as well.

Reconsideration and allowance of the present application is most respectfully requested.

Should the Examiner require or consider it advisable that the specification, claims and/or drawings be further amended or corrected in formal respects in order to place this case in condition for final allowance, then it is respectfully requested that such amendments or corrections be carried out by Examiner's Amendment, and the case be passed to issue. Alternatively, should the Examiner feel that a personal discussion might be helpful in advancing this case to allowance; he is invited to telephone the undersigned (at 631-549-4700).

Respectfully submitted,

  
Michael J. Striker  
Attorney for Applicant  
Reg. No. 27233